

CHAPTER 16
ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

621—16.1(20) Effective Date, Scope, and Authority. This chapter governs the filing of all documents in adjudicatory proceedings before PERB commenced on or after January 1, 2015. This chapter also governs adjudicatory proceedings converted to electronic proceedings upon the board's order.

16.1(1) Relationship to other PERB administrative rules. To the extent the rules in this chapter are inconsistent with any other PERB administrative rule, the rules in this chapter shall govern.

16.1(2) Authority. These rules are adopted under the authority granted under Iowa Code sections 20.6 and 20.24.

621—16.2(20) Definitions.

16.2(1) “Electronic filing” means the electronic transmission of a document to the electronic document management system together with the production and transmission of a notice of electronic filing.

16.2(2) “Electronic record” means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.

16.2(3) “Electronic service” means the electronic transmission of a link to the filer's interface where the registered filers entitled to receive notice may view and download filed documents.

16.2(4) “Non-electronic filer” means a party who has received authorization to submit documents to PERB for filing by nonelectronic means.

16.2(5) “Non-electronic filing” means a process by which a paper document or other non-electronic item is filed with the board and retained in non-electronic form.

16.2(6) “Notice of electronic filing” means a document generated by the electronic document management system when a document is electronically filed.

16.2(7) “PDF” means an electronic document filed in a portable document format which is readable by the free Adobe® Acrobat® Reader.

16.2(8) “Public access terminal” means a computer located at the offices of the board through which the public may view, print, and electronically file documents.

16.2(9) “Registered user” means an individual whose username and password are used to electronically file documents as well as electronically view and download files.

16.2(10) “Remote access” means the ability to electronically search, view, copy, or download electronic documents in a PERB record without the need to physically visit the board's offices.

16.2(11) “Signature” means a registered user's username and password accompanied by one of the following:

a. “Digitized signature” means an embeddable image of a person’s handwritten signature;

b. “Electronic signature” means an electronic symbol (“/s/” or “/efiler’s name/”) executed or adopted by a person with the intent to sign; or

c. “Non-electronic signature” means a handwritten signature applied to an original document, which is then scanned and electronically filed.

621—16.3(20) Electronic document management system.

16.3(1) *Electronic filing mandatory.* Unless otherwise required or authorized by these rules, all documents in adjudicatory proceedings commenced on or after January 1, 2015, must be filed using the agency’s electronic document management system.

16.3(2) *Exceptions.*

a. A show of interest filed in a unit determination or decertification case shall not be filed electronically.

b. Any item that is not capable of being filed in an electronic format shall be filed in a non-electronic format.

c. Upon a showing of exceptional circumstances that it is not feasible for an individual to file documents by electronic means, the board may excuse the individual from electronic filing for purposes of that case.

d. Cases that were commenced and initially filed prior to January 1, 2015.

621—16.4(20) Submission of paper documents.

16.4(1) *Submission of paper documents for scanning.* If PERB allows a party to submit a document for scanning, the document must be printed on only one side and be delivered to PERB with no tabs, staples, or permanent clips, but may be organized with paperclips, clamps, or some other type of temporary fastener, or may be delivered to PERB in an appropriate file folder.

16.4(2) *Return of copies by mail.* If a party wants a document that was submitted in paper form to be returned by mail, the party must deliver to PERB a self-addressed envelope, with proper postage, large enough to accommodate the requested material.

621—16.5(20) Registration, username, and passwords.

16.5(1) *Registration.*

a. *Registration required.* All individuals filing, viewing, or downloading documents in an adjudicatory proceeding before PERB must register as a registered user.

b. *How to register.* To register, users must complete the registration process located at <http://iowaperb.iowa-----.gov> and obtain a username and password for the electronic document management system.

c. *Registration complete.* When the registration process is completed and a username and password are assigned the registered user may utilize the electronic document management system.

d. Changing passwords. Once registered, the user may change his or her password. If the registered user believes the security of an existing password has been compromised, the registered user must change the password immediately. PERB may require password changes periodically.

e. Changes in registered user's contact information. If a registered user's e-mail address, mailing address, or telephone number changes, the user must promptly make the necessary changes to the registered user's information contained in the registration system. The registered user may make the changes on the registration website at <http://iowaperb.iowa---.gov>. The registered user shall provide appropriate notice of changes in contact information to any applicable nonregistered party in every active case in which the registered user is a party.

f. Duties of registered user. Each registered user shall ensure that the user's e-mail account information is current, that the account is monitored regularly, and that e-mail notices sent to the account are timely opened.

g. Withdrawal from participation. Withdrawal from participation in the electronic document management system cancels your user profile but does not authorize non-electronic filing of cases and documents and is not a withdrawal from a case.

16.5(2) Usernames and passwords. Upon registering for the electronic document management system, registered users will be designated a username and password.

a. A registered user is responsible for all documents filed with the user's username and password unless proven by clear and convincing evidence that the registered user did not make or authorize the filing.

b. If a username or password is lost, misappropriated, misused, or compromised in any way, the registered user of that username/password shall notify PERB promptly.

16.5(3) Denial of access. For misuse, fraud, or other good cause, PERB may refuse to allow an individual to electronically file or download information in the electronic document management system.

621—16.6(20) Signatures.

16.6(1) *Registered user.* A username and password accompanied by a digitized, electronic, or non-electronic signature serves as the registered user's signature on all electronically filed documents filed.

16.6(2) *Documents requiring oaths, affirmations or verifications.* Any document filed that requires a signature be made under oath or affirmation or with verification may be either signed electronically or non-electronically.

16.6(3) *Format.* Any filing requiring a signature must be signed, with either a nonelectronic signature (actual signature scanned), the electronic signature (the symbol “/s/” or /e-user's name/), or a digitized signature (an inserted image of a handwritten signature). The following information must be included under the person's signature:

- a. Name;
- b. Name of law firm, certified employee organization, or governmental agency;
- c. Mailing address;
- d. Telephone number; and
- e. Email address.

16.6(4) *Multiple signatures.* By filing a document containing multiple signatures, the registered user confirms that the content of the document is acceptable to all persons signing the document and all such persons consent to having their signatures appear on the document.

621—16.7(20) Filing. The electronic transmission of a document to the electronic document management system consistent with the procedures specified in these rules, together with the production and transmission of a notice of electronic filing, constitutes filing of the document. A copy of the notice of electronic filing will be provided to nonregistered individuals or parties upon request to PERB.

16.7(1) *Email or fax.* Emailing or faxing a document to PERB will not generate a notice of electronic filing and does not constitute electronic filing of the document unless otherwise ordered by PERB.

16.7(3) *Electronic file stamp.* Electronic documents are officially filed when affixed with an electronic filing stamp. Filings so endorsed shall have the same force and effect as documents time stamped in a non-electronic manner.

621—16.8(20) Date and time of filing, deadlines.

16.8(1) *Date of Filing.* An electronic filing can be made any day of the week, including holidays and weekends, and any time of the day the electronic document management system is available.

16.8(2) *Time of filing.* A document is timely filed if it is filed on or before 4:30 p.m. on the date the filing is due.

621—16.9(20) Format of electronic documents. All documents must be converted to a *pdf* format before they are filed in the electronic document management system.

621—16.10(20) Electronic attachment of other electronic documents. Attachments to filings shall be electronically attached to the applicable electronic document individually.

621—16.11(20) Service.

16.11(1) *Initial filing.* An initial filing shall be served according to the methods described in rule 621—2.15(20). In addition to service of the initial filing, the document being served must be accompanied by a copy of the appropriate agency form providing information on the electronic document management system.

16.11(2) *Subsequent documents.* All subsequent documents shall be electronically served via the electronic document management system, unless the individual is exempted from electronically filing documents pursuant to rule 621—16.4(2). If so exempted, documents shall be served according to the methods described in rule 621—2.15(20).

16.11(3) *Proof of service of non-electronic filings.*

a. Parties filing pursuant to subrule 621—16.3(2)(a) and (b) shall file a proof of service electronically.

b. Parties filing pursuant to the exceptional circumstances provision in subrule 621—16.3(2)(c) must attached a non-electronic proof of service to the filing.

c. Parties to a case proceeding that was originally filed prior to January 15, 2015 must attach a non-electronic proof of service to the filing.

16.11(4) *Electronic distribution of electronically filed documents.*

a. When a document is electronically filed, it will be served through the electronic document management system to all parties who are registered users in the adjudicatory proceeding. No other service is required unless ordered by PERB.

b. Notice of electronic filing will also be sent to registered users who have filed a notice of appearance or have been granted intervention.

c. Notices of electronic filing will continue to be sent to registered users until they have filed a withdrawal of appearance in a case.

621—16.12(20) PERB-generated documents.

16.12(1) *Electronic filing and service of PERB-generated documents.* All PERB-generated documents issued in adjudicatory proceedings governed by this chapter shall be electronically filed and served.

16.12(2) *Paper copies.* PERB shall not mail paper copies of any documents absent approval by the board.

621—16.13(20) Discovery. Discovery materials shall not be filed unless ordered by the hearing officer.

621—16.14(20) Briefs. Legal briefs and memoranda shall be electronically filed.

621—16.15(20) Public access terminal. At least one public access terminal shall be maintained at the PERB offices in Des Moines.

621—16.16(20) Transcripts and exhibits.

16.16(1) *Transcripts.* If a hearing or oral argument is transcribed, the transcript shall be made available electronically after final agency action.

16.16(2) *Exhibits.* Exhibits admitted into evidence shall be made available electronically after final agency action.